

Chapter 78 PARKS AND RECREATION*

*Charter references: Parks and recreational facilities, art. XI, § 16.

Cross references: Administration, ch. 2; environment, ch. 42; floods, ch. 50; health and sanitation, ch. 54; library, ch. 66; personnel, ch. 86; planning, ch. 90; streets, sidewalks and other public places, ch. 102; zoning, app. A; subdivision regulations, app. B; fee schedule, app. C.

State law references: Authority of municipalities to operate and maintain parks, V.T.C.A., Local Government Code § 331.001; park to be open for public use under rules prescribed by local governing authority, V.T.C.A., Local Government Code § 331.007; home-rule municipality has exclusive control over public grounds, V.T.C.A., Local Government Code § 282.001.

Article I. In General

Sec. 78-1. Standards of care, city youth programs.

Secs. 78-2--78-20. Reserved.

Article II. Parks and Recreation Board

Sec. 78-21. Definitions.

Sec. 78-22. Creation.

Sec. 78-23. Composition; appointment and terms of office of members.

Sec. 78-24. Removal of members.

Sec. 78-25. Vacancies.

Sec. 78-26. Officers.

Sec. 78-27. Meetings.

Sec. 78-28. Jurisdiction.

Sec. 78-29. Limitations of authority.

Secs. 78-30--78-50. Reserved.

Article III. Parks and Open Space Master Plan

Sec. 78-51. Adopted.

Sec. 78-52. Park zones.

Secs. 78-53--78-70. Reserved.

Article IV. Parkland Dedication

Sec. 78-71. Purpose of article.

Sec. 78-72. Dedication procedures.

Sec. 78-73. Money in lieu of land.

Sec. 78-74. Comprehensive plan considerations.

Sec. 78-75. Park acquisition and improvement fund; right to refund.

Sec. 78-76. Additional requirements.

Sec. 78-77. Minimum park improvements.

Sec. 78-78. Biennial review.

Sec. 78-79. Offense.

Secs. 78-80--78-100. Reserved.

Article V. Park Regulations

Division 1. Generally

- Sec. 78-101. Hours open to the public.
- Sec. 78-102. Parking.
- Sec. 78-103. Feeding of animals.
- Sec. 78-104. (Reserved)
- Sec. 78-105. Peddling and vending of articles.
- Secs. 78-106—78-107 (Reserved)
- Sec. 78-108. Disorderly conduct.
- Sec. 78-109. Offense.
- Secs. 78-110. Prohibited acts.
- Sec. 78-111. Penalty
- Secs. 78-112--78-130. Reserved.

Division 2. Parking in Municipal Parks

- Sec. 78-131. Definitions.
- Sec. 78-132. Offense to violate division.
- Sec. 78-133. No parking areas.
- Sec. 78-134. Signs and markers notifying public of no parking zones.
- Sec. 78-135. Enforcement of division.
- Secs. 78-136--78-150. Reserved.

Article VI. Watercraft Regulations

- Sec. 78-151. Public launching sites.
- Sec. 78-152. Watercraft prohibited.
- Sec. 78-153. Water intake structures.
- Sec. 78-154. Lavon Dam inlet and outlet structure.
- Sec. 78-155. Commercial marinas and/or floating concession facilities.
- Sec. 78-156. Endangering life or property prohibited.
- Sec. 78-157. Other areas.
- Sec. 78-158. Offense.

ARTICLE I. IN GENERAL

Sec. 78-1. Standards of care, city youth programs.

The Wylie Youth Program Standards of Care for Wylie Youth Programs, as detailed in Attachment "A" to Ord. No. 2004-06, are hereby adopted by reference.

Secs. 78-2--78-20. Reserved.

ARTICLE II. PARKS AND RECREATION BOARD*

*Charter references: Parks and recreation board, art. VIII, § 2.

Sec. 78-21. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Parks and recreation board means the Wylie Parks And Recreation Board.

(Ord. No. 78-18, art. II, § 1, 6-13-1978; Code 1991, ch. 1, § 7.01; Code 1997, § 78-31)

Cross references: Definitions generally, § 1-2.

Sec. 78-22. Creation.

There is hereby created in and for the city and for the surrounding community, the city parks and recreation board.

(Ord. No. 78-18, art. II, § 1, 6-13-1978; Code 1991, ch. 1, § 7.01; Code 1997, § 78-32)

Sec. 78-23. Composition; appointment and terms of office of members.

The membership and terms of office of the parks and recreation board shall be as provided for in section 2(B) of article VIII of the city's home rule Charter.

(Code 1991, ch. 1, § 7.02; Code 1997, § 78-33)

Sec. 78-24. Removal of members.

The city council may remove from office any member of the parks and recreation board for any cause deemed by the city council to be in the best interest of the city and surrounding community.

(Ord. No. 78-18, art. II, § 4, 6-13-1978; Code 1991, ch. 1, § 7.03; Code 1997, § 78-34)

Sec. 78-25. Vacancies.

Should a vacancy occur in the membership of the parks and recreation board, the city council shall appoint a successor for the unexpired term.

(Ord. No. 78-18, art. II, § 5, 6-13-1978; Code 1991, ch. 1, § 7.04; Code 1997, § 78-35)

Sec. 78-26. Officers.

The parks and recreation board shall be organized by electing one chairman and one vice-chairman. The officers of the board shall serve for one year or until their successors are appointed/elected and qualified. This section shall not operate so as to extend the term of any board member.

(Ord. No. 78-18, art. II, § 6, 6-13-1978; Code 1991, ch. 1, § 7.05; Code 1997, § 78-36)

Sec. 78-27. Meetings.

The parks and recreation board shall hold meetings as may be determined by it and may set regular meeting dates as frequently as the board may desire. Special meetings may be called for the transaction of any business, and a quorum of members of the board at any meeting shall be determined as a minimum of the majority. All meetings of the parks and recreation board shall be open to the public as required by the Texas Open Meetings Act, as amended, but the meeting place may be designated by the parks and recreation board. Meetings do not have to be held at the city hall.

(Ord. No. 78-18, art. II, § 7, 6-13-1978; Code 1991, ch. 1, § 7.06; Code 1997, § 78-37)

Sec. 78-28. Jurisdiction.

(a) The jurisdiction of the parks and recreation board shall be to work with any citizen, individual or group for the development, construction and beautification of any park, parkway, recreation or community center facility, under the jurisdiction of the city, and to advise and counsel with the city council in its development, construction and beautification of any such parks, parkways, recreation and community center facilities under the jurisdiction of the city.

(b) The parks and recreation board shall make recommendations to the city council concerning any rules and regulations that it deems proper for enhancing

the enjoyment of the parks, parkways, recreation and community center facilities and for the regulation of their use.

(Ord. No. 78-18, art. II, § 8, 6-13-1978; Code 1991, ch. 1, § 7.07; Code 1997, § 78-38)

Sec. 78-29. Limitations of authority.

The parks and recreation board shall not have any authority to make contracts or create any legal obligation or liability for the city.

(Ord. No. 78-18, art. II, § 9, 6-13-1978; Code 1991, ch. 1, § 7.08; Code 1997, § 78-39)

Secs. 78-30--78-50. Reserved.

ARTICLE III. PARKS AND OPEN SPACE MASTER PLAN

Sec. 78-51. Adopted.

On January 23, 1996, the parks and open space master plan for the city, as filed with the city secretary, was officially adopted.

(Code 1991, ch. 1, § 8.01; Code 1997, § 78-71)

Sec. 78-52. Park zones.

The park zones necessary for the implementation of the park dedication ordinance are declared to have the boundaries as delineated upon the park zone map, said map being adopted by reference as part of this article for all purposes.

(Ord. No. 87-14, 1-27-1987; Code 1991, ch. 1, § 8.02; Code 1997, § 78-72; Ord. No. 99-8, § 1, 4-14-1999)

Secs. 78-53--78-70. Reserved.

ARTICLE IV. PARKLAND DEDICATION

Sec. 78-71. Purpose of article.

(a) This article is adopted to provide recreational areas in the form of municipal parks as a function of subdivision development in the city. This article is enacted in accordance with the home rule powers of the city, granted under the state constitution, and the statutes of the state including, but not by way of limitation, V.T.C.A., Local Government Code § 54.004, and ch. 212. It is hereby declared by the city council that recreational areas in the form of municipal parks are necessary and in the public welfare, and that the only adequate procedure to provide for municipal parks is by integrating such a requirement into the procedure for planning and developing property or subdivision in the city, whether such development consists of new construction on vacant land or rebuilding and remodeling of structures on existing residential property.

(b) Municipal parks are those parks providing for a variety of outdoor recreational opportunities and within convenient distances from a majority of the residences to be served thereby. The park zones established by the parks and recreation department and shown on the official parks and recreation map for the city shall be prima facie proof that any park located therein is within such a convenient distance from any residence located therein. The primary cost of municipal parks should be borne by the ultimate residential property owners who, by reason of the proximity of their property to such parks, shall be the primary beneficiaries of such facilities. Therefore, this article is adopted to effect the purposes stated.

(Ord. No. 87-15, § 1, 1-27-1987; Code 1991, ch. 1, § 9.01; Code 1997, § 78-106)

Sec. 78-72. Dedication procedures.

(a) Whenever a final plat is filed on record with the county clerk of Collin, Dallas or Rockwall County for development of a residential area in accordance with the subdivision, planning and zoning ordinances of the city, such plat shall contain a clear fee simple dedication of an area of land to the city for park purposes, which area shall equal five acres for each 100 proposed dwelling units.

(b) The city council declares that development of an area smaller than five acres for public park purposes is impractical. Therefore, if fewer than 100 units are proposed by a plat filed for approval, the developer may be required to pay the applicable cash in lieu of land amount provided by section 78-73(c), rather than to dedicate any land area. No plat showing a dedication for park purposes of less than five acres shall be approved unless such plat and dedication is recommended for approval by the city parks and recreation board and subsequently approved by the city council.

(c) In all other instances, the city shall have the right to accept the dedication for approval on the final plat, or to refuse the dedication, after consideration of the recommendation of the planning and zoning commission and the parks and recreation board, and to require payment of cash in lieu of land in the amount provided by section 78-73(c), if the city determines that sufficient park area is already in the public domain in the area of the proposed development, or if the recreation potential for that zone would be better served by expanding or improving existing parks.

(Ord. No. 2004-01, § 2, 1-13-2004)

Sec. 78-73. Money in lieu of land.

(a) Subject to approval of the city council, a land owner responsible for dedication under this article may elect to meet the requirements of section 78-72,

in whole or in part, by a fee payment in lieu of land, in the amount set forth in subsection (c) of this section. Such payment in lieu of land shall be made at or prior to the time of final plat approval. Nonpayment of fee shall constitute grounds sufficient to deny approval of proposed plat.

(b) The city may, from time to time, decide to purchase land for parks in or near the area of actual or potential development. If the city does purchase park land in a park zone, subsequent park land dedications for that zone may be required to be in cash only, and calculated to reimburse the city's actual cost of acquisition and development of such land for parks. The fee amount shall be set out in the fee schedule in appendix C to this Code. Once the city has been reimbursed entirely for all such park land within a park zone, this section shall cease to apply, and the other subsections shall again be applicable.

(c) To the extent that subsection (b) of this section is not applicable, the dedication requirement shall be met by a payment of cash, in lieu of dedication of land, at a per acre price set from time to time by resolution by the city council, sufficient to acquire land and provide for adjacent streets and utilities for a municipal park to serve the park zone in which such development is located or to improve or expand existing park land in the park zone. Unless changed by the city council, such per acre price shall be based on a fee as set out in the fee schedule located in appendix C to this Code. Cash payments may be used only for acquisition or improvement of a municipal park located within the same zone as the development, or, upon recommendation of the park board and approval of the city council, funds from any and all park zones may be combined for special purposes with or without the option to reimburse the contributing zones.

(Ord. No. 2004-01, § 3, 1-13-2004)

Sec. 78-74. Comprehensive plan considerations.

The city shall create and maintain a master park plan for the city and its extraterritorial jurisdiction. The city shall further designate the size of the parks and the zones which are to be supportive of these parks. Dedication of park land shall be in accordance with the master plan. The city will determine, the park location based on land suitability. This plan may be, from time to time, updated and amended at the pleasure of the approving authorities and as the review of proposed plats for development within those zones.

(Ord. No. 2004-01, § 4, 1-13-2004)

Sec. 78-75. Park acquisition and improvement fund; right to refund.

(a) There is hereby established a special fund for the deposit of all sums paid in lieu of land dedication under this article or any preceding article or any preceding ordinance, which fund shall be known as the park acquisition and improvement fund. Such fund may be subdivided to create as many separate funds as become necessary in order to ensure that all funds are separated by park

zone and spent wholly and completely within such park zone. Upon recommendation of the park board and approval of the city council, funds from any and all park zones may be combined for special purposes. Each fund shall be separately audited in the annual audit of the city and shall be available for public review.

(b) The city shall account for all sums paid in lieu of land dedication under this article with reference to individual plats involved. Any funds paid for such purposes must be expended by the city within five years from the date received by the city for acquisition or development of a municipal park. Such funds shall be considered to be spent on a first in, first out basis. If not so expended, the owners of the property, on the last day of such period, shall be entitled to a pro-rata refund of such sum computed on a square footage of area basis. The owners of such property must request such refund within one year of entitlement, in writing, or such right shall be barred.

(c) When residential developments occur in phases, all phases of the development shall meet applicable dedication requirements. If land dedication is to occur in a latter phase of the overall development, the dedication requirement for the initial phases shall be met by placing funds into an escrow account as directed by the city upon acceptance of each phase by the city. When the actual land dedication occurs, the escrowed funds plus interest shall be returned to the depositor. The depositor must request such refund within one year of entitlement, in writing, or such right shall be barred. If land dedication does not occur within five years of completion of the initial phase of the overall development, the escrowed funds plus interest shall be forfeited by the depositor and the funds shall become the property of the city.

(Ord. No. 2004-01, § 5, 1-13-2004)

Sec. 78-76. Additional requirements.

(a) Any land dedicated to the city under this article must be suitable for park and recreation uses. The following characteristics of a proposed area are generally unsuitable:

- (1) Any area primarily located in the 100-year floodplain.
- (2) Any areas of unusual topography or slope which renders same unusable for organized recreational activities.

Such characteristics of a park land dedication area may be grounds for refusal of any preliminary plat. The city parks and recreation board shall consider the usability of any proposed dedications of land in the 100-year floodplain or in any easement on a case-by-case basis. The board's recommendation to accept or deny the proposed dedication shall be forwarded to the city council with supporting justification explaining the recommendation.

(b) Land that is deemed to be unsuitable by the city parks and recreation board as listed in subsection (a) of this section may be accepted by the city council, provided that suitable land in the proper amount is dedicated which is contiguous with the unsuitable land.

(c) Drainage areas may be accepted as part of a park if the channel is constructed in accordance with city engineering standards, and if no significant area of the park is cut off from access by such channel.

(d) Each park must have ready access to a public street.

(e) Unless provided otherwise in this section, an action by the city shall be by the city council, after consideration of the recommendations of the planning and zoning commission and the parks and recreation board and its recommendation to the city council.

(Ord. No. 87-15, § 6, 1-27-1987; Code 1991, ch. 1, § 9.06(a)--(e); Code 1997, § 78-111)

Sec. 78-77. Minimum park improvements.

In cases where land dedication is chosen, the following minimum criteria must be adhered to by the developer, at the developer expense, prior to acceptance of the improvements by the city:

- (1) Grading and clearing of unwanted vegetation, to be determined by the city;
- (2) Installation of sub-grade drainage. No open drainage channels will be permitted on land being dedicated for park purposes;
- (3) Provision of water and sewer service to the site; and
- (4) Provision of adequate accessibility from the adjacent public street in compliance with the Americans with Disabilities Act (ADA) and as approved by the city park and recreation staff.

(Ord. No. 2004-01, § 6, 1-13-2004)

Sec. 78-78. Biennial review.

Prior to one year after the effective date of this ordinance, the park board shall review the park land dedication ordinance and make any recommendations for revision to the city council. Thereafter, at least once every two years, the park board shall review the park land dedication ordinance and make any recommendations for revision to the city council.

(Ord. No. 2004-01, § 7, 1-13-2004)

Sec. 78-79. Offense.

It shall be an offense for any person, firm, corporation or business entity to violate this article. The penal provisions imposed under this Chapter shall not preclude the city from filing suit to enjoin the violation. The city retains all legal rights and remedies available to it pursuant to local, state and federal law.

(Ord. No. 2004-01, § 9, 1-13-2004)

Secs. 78-80--78-100. Reserved.

ARTICLE V. PARK REGULATIONS

DIVISION 1. GENERALLY

Sec. 78-101. Hours open to the public.

(a) The municipal parks shall be open to the general public only between the hours of 6:00 a.m. and 12:01 a.m. unless a ball game or other recreational or community activity unexpectedly exceeds the 12:01 a.m. curfew, in which event the time for closing the particular facilities involved will be extended to 1:00 a.m., at which time all activities in such facilities will cease, and the facilities will be closed to the public until 6:00 a.m. the next morning.

(b) The curfew restrictions as provided in subsection (a) of this section may be waived by the city council, on a case-by-case basis, on the written request of the sponsor of an activity or event, if the council determines that such activity or event will be conducted in such a fashion so as not to cause disruption of the peace of the neighborhood, and not otherwise adversely effect the safety or welfare of citizens or city facilities.

(c) It shall be unlawful for any person except for municipal employees engaged in the performance of their official duties to be in any municipal park between the hours of 12:01 a.m. and 6:00 a.m. unless one of the exceptions of this section apply.

(Ord. No. 78-18, art. I, § 1, 6-13-1978; Code 1991, ch. 1, § 6.01; Ord. No. 93-45, § I(6.01), 10-12-1993; Code 1997, § 78-146)

Sec. 78-102. Parking.

(a) The city parks and recreation staff is hereby authorized to recommend areas in which parking of motor vehicles should be prohibited, and/or hours during which motor vehicle parking should be prohibited in any municipal park.

(b) It is hereby required that signs be erected marking the no parking areas. It shall be unlawful for any person to park a motor vehicle within the designated no parking areas in any municipal park, or recreation or community center facility or to

have a motor vehicle parked in any municipal park or recreation or community center facility other than during designated hours in which parking is allowed.

(Ord. No. 78-18, art. I, § 2, 6-13-1978; Code 1991, ch. 1, § 6.02; Code 1997, § 78-147)

Sec. 78-103. Feeding of animals.

It shall be unlawful for any person to feed any wildlife in any city park, recreation or community center facility, except that breads, fruits, vegetables and nuts may be fed to the birds and squirrels.

(Ord. No. 78-18, art. I, § 3, 6-13-1978; Code 1991, ch. 1, § 6.03; Code 1997, § 78-148)

Sec. 78-104 (Reserved)

Sec. 78-105. Peddling and vending of articles.

It shall be unlawful for any person to solicit for sale, vend, peddle, sell or offer to sell any cold drinks, cigars, tobacco, cigarettes, fruits, candies, goods, wares or merchandise of any kind or nature whatsoever within the municipal parks or recreation or community center facility; provided, however, that this section shall not apply to any person, organizations, firms or corporations, or the agents of any person, or organization, firm or corporation, or employees of any person who are recommended by the parks and recreation board and approved by the city council to operate a concession or concessions for the sale of specified goods, wares, and merchandise within the municipal parks or recreation or community center facilities of the city.

(Ord. No. 78-18, art. I, § 7, 6-13-1978; Code 1991, ch. 1, § 6.06; Code 1997, § 78-150)

Sec. 78-106 to 78-107 (Reserved)

Sec. 78-108. Disorderly conduct.

It shall be unlawful for any person to willfully interfere with, disrupt, or prevent the orderly conduct of any supervised play or amusement program being conducted by the city parks and recreation department or a city sports association in any building, swimming pool, playground or park area located in or on any public property within the city.

(Ord. No. 87-27, 5-26-1987; Code 1991, ch. 1, § 6.09; Code 1997, § 78-153)
State law references: Disorderly conduct, V.T.C.A., Penal Code § 42.01.

Sec. 78-109. Offense.

It shall be an offense to violate the provisions of the fee schedule, or any part thereof. In addition to being subject to penalty provisions an offender shall not be allowed the permit, privilege or license to which the fee pertains.

(Ord. No. 99-8, § 2, 4-14-1999)

Secs. 78-110. Prohibited acts.

It shall be unlawful for any person to commit any one or more of the following acts in a park unless authorized by city staff in writing:

- (1) To hitch, fasten, lead, drive or let loose, any animal, reptile or fowl of any kind, provided that this shall not apply to domestic animals as defined by the Animal Control Code when led by a static cord or chain not more than ten (10) feet long or a retractable cord not more than fifteen (15) feet long, except in designated areas.
- (2) To ride or drive any horse or other animal, except in designated areas.
- (3) To ride, drive or go at a rate of speed greater than the posted speed limit, upon any bicycle, motorcycle, in-line skates, automobile or any other vehicle whatsoever, upon any parking lot or area, drive or street in any park, provided however bicycles and in-line skating are allowed on park trails;
- (4) To ride, drive or park any motorcycle, automobile, motorized scooter, or other motorized vehicle upon, over or across any park, curb, sidewalk, grass, lawn, hike or jogging trail or park land, except authorized City vehicles, and in designated areas.
- (5) To carry a firearm, except those persons who are duly licensed by the State of Texas to carry a concealed handgun in accordance with the provisions of the Texas Concealed Weapons Act, as amended.
- (6) To carry, (unless permitted under (5) above), or discharge firearms, fireworks, bb guns, airguns, bows

and arrows, slingshots, blowgun, rockets or paint-ball guns.

- (7) To hit golf balls.
- (8) To damage, move, cut, break, injure, deface or disturb any tree, shrub, plant, rock, building, monument, fence, bench, equipment or other structure, apparatus or property, or to pluck, pull up, cut, take or remove any shrub, bush, plant or flower, or to mark or write upon, paint or deface in any manner any building, monument, fence, bench, equipment or other structure.
- (9) To cut or remove any wood, turf, grass, soil, rock, sand, gravel, wood chips or fertilizer.
- (10) To pollute the water of any fountain, pond, lake or stream.
- (11) To make or kindle a fire, except in picnic stoves, braziers, fire pits or designated areas provided for that purpose.
- (12) To place, abandon or leave garbage, cans, bottles, papers, or other refuse in any public park except in proper waste receptacles.
- (13) To participate or engage in any activity or any public park area when such activity will create a danger to the public, a public nuisance, or cause damage to public park property (i.e., playing on fields deemed not fit for play by city staff).
- (14) To camp, sleep or stay overnight in any park.
- (15) To remain, stay or loiter in any park between the hours of 12:01 a.m. and 6 a.m. of the same day, or remain, stay, or loiter in any park except during the posted hours of operation.
- (16) To possess or consume any alcoholic beverages.
- (17) To disturb in any manner any picnic, meeting, service, concert, exercise or exhibition.

- (18) To distribute, post, place or erect any static or mobile advertising, handbill, circular bill, notice, paper or other advertising device.
- (19) To practice, carry on, conduct or solicit for any trade, occupation, business or profession, or to circulate any commercial petition.
- (20) To place or dump any trash, refuse, solid waste, grass clippings, leaves, or other objectionable or unsightly matter in any park.
- (21) To allow a domestic animal to defecate in any park without immediate removal and disposal of such feces in proper waste receptacles.
- (22) To abandon, place, remove or injure any animal, domestic or wild, including but not limited to dogs, cats, cows, horses, birds, mammals, reptiles, fowls, and livestock; to catch and remove any fish when the person is required to obtain a fishing license from the Texas Parks and Wildlife Department, such persons being restricted to catch and release only.
- (23) Use of mechanical loudspeakers or amplified music, sound, or voices except when authorized by the parks and recreation staff, or in connection with use of the any amphitheater provided the amplified music or sound is within the prescribed levels governed by State or local law, measured at the property boundary.
- (24) To conduct or participate in any tournament, camp, or organized sporting activity which has not been specifically authorized by the parks and recreation staff or which conflicts with a scheduled activity or event authorized by the parks and recreation staff.
- (25) To use glass containers.
- (26) To violate any Park Rules which are conspicuously posted at or near the main entrance to a park or park facility.
- (27) To operate any vehicle in a park facility parking lot after normal hours of operation.

- (28) To park or operate a commercial vehicle in park facility parking lots except on official business or when attending a park function.
- (29) To park or operate any truck-tractor, trailer, semi-trailer, pole-trailer in a park facility parking lot at any time, unless there on official business.

Sec. 78-111 Penalty.

- (a) Whenever in this Chapter or in any ordinance of the city an act is prohibited or is made or declared to be unlawful, an offense or a misdemeanor, or wherever in this Chapter or ordinance the doing of an act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this Chapter or any such ordinance shall be punished by a fine of not exceeding \$500.00, except for:
 - (1) Violations of municipal ordinances that govern fire safety, zoning, public health and sanitation, including dumping of refuse, in which case the maximum fine shall be \$2,000.00 for each offense; and
 - (2) Violations of traffic laws and ordinances which are punishable as a class C misdemeanor shall be punished by a fine not to exceed \$200.00.

No penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state.

- (b) Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense.

(Code 1991, ch. 1, § 1.06; Code 1997, § 1-9)

State law references: Ordinance, rule or regulation necessary to carry out other powers, V.T.C.A., Local Government Code § 51.001; amount of fine or penalty imposed by the city, V.T.C.A., Local Government Code § 54.001; abatement of health nuisances, V.T.C.A., Health and Safety Code § 341.011 et seq.; jurisdiction of municipal court, V.T.C.A., Government Code § 29.003.

Sec. 78-112--78-130. Reserved.

DIVISION 2. PARKING IN MUNICIPAL PARKS

Sec. 78-131. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

No parking means an area designated for unobstructed access on a street, path or road.

(Ord. No. 96-26, § 1, 7-9-1996; Code 1997, § 78-186)
Cross references: Definitions generally, § 1-2.

Sec. 78-132. Offense to violate division.

It shall be an offense to violate any provision of this division.
(Ord. No. 96-26, § 5, 7-9-1996; Code 1997, § 78-187)

Sec. 78-133. No parking areas.

No parking shall occur where designated no parking signs are placed within municipal parks. Only emergency vehicles will be allowed in these designated areas.

(Ord. No. 96-26, § 2, 7-9-1996; Code 1997, § 78-188)

Sec. 78-134. Signs and markers notifying public of no parking zones.

The city manager, or his designee, shall be responsible for installing markers and, if necessary, signs to properly notify the public of the location of the no parking zones.

(Ord. No. 96-26, § 3, 7-9-1996; Code 1997, § 78-189)

Sec. 78-135. Enforcement of division.

The no parking zone provided in this division shall in no way be obstructed. The police department is authorized to issue citations and/or remove or cause to be removed any material or vehicle other than an emergency vehicle which is obstructing a no parking zone at the expense of the owner of such material or vehicle.

(Ord. No. 96-26, § 4, 7-9-1996; Code 1997, § 78-190)
Secs. 78-136--78-150. Reserved.

ARTICLE VI. WATERCRAFT REGULATIONS*

*State law references: Local regulation of public waters and lakes, V.T.C.A., Parks and Wildlife Code § 31.092.

Sec. 78-151. Public launching sites.

(a) Each of the public launching sites including, but not limited to, East Fork Park, East Fork Marina, Avalon Park, Lavonia Park, Mallard Park, Little Ridge Park and Pebble Beach Park, on Lake Lavon, City of Wylie, Collin County, are zoned "No Wake Areas" and will be properly identified as such, by placement of at least two "can" type buoys displaying "No Wake" encircled, 200 feet out from the launching ramps and 200 feet apart.

(b) All public launching sites are zoned "No Swimming Areas" and will be identified as such by placement of a sign which reads "Swimming and Bathing Prohibited in Approaches to or on the Boat Ramps" or equivalent at each launching site.

(Ord. No. 2002-4, § 2, 10-22-2002)

Sec. 78-152. Watercraft prohibited.

(a) Each of the swimming areas on Lake Lavon, City of Wylie, Collin County, including, but not limited to Little Ridge, East Fork, Avalon, Mallard and Pebble Beach Parks are zoned "No Boating Area" and will be identified as such by placement of "can" type buoys marked "Swimming Area -- Keep Out" 200 feet out and along the perimeter of the swimming area which will be further identified by placement of a "capsule" buoy line outlining the perimeter of the designated swimming area.

(b) In any area zoned a "No Boating Area", all watercraft are prohibited, including, but not limited to, power boats, motor boats, personal watercraft, any motor-driven craft and any wind- or man-powered crafts.

(Ord. No. 2002-4, § 3, 10-22-2002)

Sec. 78-153. Water intake structures.

(a) Two North Texas Municipal Water Utilities intake structures. The water area 300 feet in front of both water intake structures owned and operated by North Texas Municipal Water Utilities, is zoned as "Danger Areas" will be identified as such by placement of a sign on the face of the structures which reads "Dangerous Current -- Stay 300 Feet Away," and/or buoys displaying the universal markings of a diamond with inner cross and the words "Danger -- Keep Out."

(b) Garland Power Plant, inlet and outlet channels. The water area 300 feet in front of the Garland Electric Power Plant intake structure and 300 feet below the end of the outlet structure are zoned "Danger Areas" and will be identified by

placement of "can" type buoys displaying the universal markings of a diamond with inner cross and words "Danger -- Keep Out" on a perimeter of 300 feet on the water side of both structures.

(c) East Fork and Avalon intake structures. The water area 300 feet in front of the water intake structures known as East Fork and Avalon are zoned as "Danger Areas" will be identified as such by placement of a sign on the face of the structures which reads "Dangerous Current -- Stay 300 Feet Away," and/or buoys displaying the universal markings of a diamond with inner cross and the words "Danger -- Keep Out."

(Ord. No. 2002-4, § 4, 10-22-2002)

Sec. 78-154. Lavon Dam inlet and outlet structure.

(a) The water area 300 feet upstream on the Lavon Dam gate facilities is zoned a "Danger Area" and will be identified as such by placement of "can" type buoys displaying the universal markings of a diamond with inner cross and the words "Danger -- Keep Out" on a perimeter of 300 feet upstream from the face of the gate facilities.

(b) Also, due to the slippery surfaces and strong water current and undertow, the immediate shoreline adjacent to the gate facilities is zoned a "Danger Area" and will be so marked by signs reading "Restricted Area -- Keep Out."

(c) The water area below the dam to the railroad bridge approximately 400 feet downstream, is zoned a "Danger Area" and will be so identified by signs reading "Danger No Floats, Boats or Wading Beyond This Point" located to face downstream and adjacent bank fishing areas.

(Ord. No. 2002-4, § 5, 10-22-2002)

Sec. 78-155. Commercial marinas and/or floating concession facilities.

The water areas of marinas and/or concession areas under license agreement with the U.S. Army Corps of Engineers on Lavon Lake are zoned "No Wake Areas" and will be so identified by placement of "can" type buoys displaying "No Wake" encircled, as prescribed by the Universal State Waterways marking system, on the perimeter of the controlled area and/or upon approaches to the controlled area, whichever is more practical.

(Ord. No. 2002-4, § 6, 10-22-2002)

Sec. 78-156. Endangering life or property prohibited.

It shall be unlawful for any person to operate any boat or other watercraft on any portion of Lake Lavon lying within the corporate limits of the city in such a manner as to endanger life or property

(Ord. No. 2002-4, § 7, 10-22-2002)

Sec. 78-157. Other areas.

Other areas where the city identifies a hazard to life or property may be designated as "No Boating Area" or "No Wake Area" with installation of appropriate markings. These areas may include future marina sites, barge areas, shoals, shoreline abutments, and other water hazards.

(Ord. No. 2002-4, § 8, 10-22-2002)

Sec. 78-158. Offense.

It shall be an offense to violate any portion of this article.

(Ord. No. 2002-4, § 9, 10-22-2002)